In view thereof, claims 1-9 have been withdrawn from consideration. By this amendment, claim 10 has been cancelled, claim 11 has been rewritten in independent form to incorporate the scope of claim 10, claim 12 has been amended to change its dependency from claim 10 to newly rewritten claim 11, and new claims 16-37 have been added. Accordingly, claims 1-9 and 11-37 are pending in the instant application, of which claims 1, 7, 11, and 13 are independent.

Turning now to the detailed Office Action, Fig. 6 is objected to as not properly labeled as "Prior Art." Accordingly, Applicants submit herewith a corrected Fig. 6 and a letter to the Draftsperson requesting review and consideration for the newly added labeling to Fig. 6.

The title of the invention is objected as not descriptive. Therefore, Applicants have amended the title as shown above. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the title of the invention.

Claims 10-15 are rejected under 35 U.S.C. §102(b) as anticipated by Tsuzumitani et al. (U.S. Patent Application Publication No. 2001/0023977 A1 – hereafter Tsuzumitani). Further, claims 10-15 are rejected under 35 U.S.C. §103(a) as unpatentable over Tsunemine et al. (IEEE 1998, pp. 30.3.1-30.3.4 – hereafter Tsunemine) in view of Sun et al. (IEEE 1997, pp 10.3.1-10.3.4 – hereafter Sun). These rejections are respectfully traversed at least for the reasons provided below.

With respect to the §103(a) rejection, the Examiner asserts that Sun teaches a step of annealing the electrodes in an atmosphere that contains nitrogen/hydrogen. However, page 10.3.1, right column, line 13 of Sun discloses annealing the (completed) capacitor (entirely) in an atmosphere that contains nitrogen/hydrogen. Hence, the top electrode is in direct contact with the atmosphere that contains hydrogen but not the bottom electrode.

However, according to the amended claim 1 and claim 13 of the present invention, since after forming the lower electrode, annealing is performed in the atmosphere that contains hydrogen before forming the capacitive insulating film, the lower electrode is in direct contact with the atmosphere that contains hydrogen. Accordingly, sufficient hydrogen can be taken into the lower electrode, and thus the stiffness of the lower electrode can be increased.

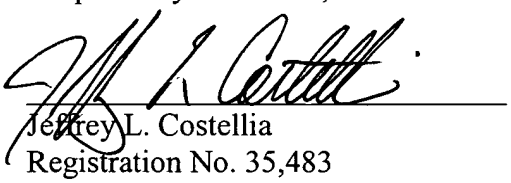
Since Sun fails to teach or suggest "after forming the lower electrode, annealing is performed in the atmosphere that contains hydrogen before forming the capacitive insulating film", and since Tsunemine also fails to disclose, teach, or suggest the same, the present invention, in accordance to independent claims 11 and 13, is distinguishable over Sun and Tsunemine, and their combination in a §103(a) rejection would be improper.

With respect to the §102(e) rejection, Applicants respectfully submit that Tsuzumitani, which is commonly assigned to Matsushita Electric Industrial Co., LTD, does not qualify as prior art. As noted in MPEP §715.01(b), subject matter developed by another, which qualifies as "prior art" under 35 U.S.C. §102(e) is not to be considered, provided that the subject matter and the claimed invention were commonly owned at the time the invention was made. Therefore, the §102(e) rejection is improper and should be reconsidered and withdrawn.

CONCLUSION

Having responded to the rejection set forth in the outstanding non-Final Office Action, it is submitted that claims 1-9 and 11-37 are now in condition for allowance. An early and favorable Notice of Allowance is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is courteously requested to contact Applicants' undersigned representative.

Respectfully submitted,



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MARKED-UP VERSION OF AMENDED CLAIMS:

Claim 11. (Amended) [The method of claim 10,] A method for fabricating a semiconductor device that includes, as a component thereof, an electrode made of a noble metal or a refractory metal, the method comprising the steps of:

a) forming the electrode;

b) annealing the electrode in a reducing atmosphere; and

further comprising the step of forming, on the electrode, a dielectric film for a capacitor after the step b) has been performed.

Claim 12. (Amended) The method of Claim [10] 11, wherein the step b) is performed in an atmosphere that contained hydrogen and that has been created as the reducing atmosphere.